

# **Exhibit 6**

00001

1 VOLUME: I

2 PAGES: 1 to 106

3 EXHIBITS: None

4

5 UNITED STATES DISTRICT COURT

6 FOR THE DISTRICT OF COLUMBIA

7 ----- x

8 THERESA M. OWENS,

9 Plaintiff,

10 v. Civil Action

11 No. 03-01798(EGS)

12 ELI LILLY AND COMPANY,

13 Defendant.

14 ----- x

15

16

17 DEPOSITION OF THERESA M. OWENS

18 March 19, 2004

19 10:10 a.m.

20 Foley Hoag, LLP

21 155 Seaport Boulevard

22 Boston, Massachusetts

23

24 Reporter: Karen A. Interbartolo, RPR

00018

1 spent at Suffolk, what were you studying there?

2 A. Management, business management.

3 Q. During any of the three times that you went

4 to college, did you take any classes in any way

5 involving the law or medicine?

6 A. I would imagine a business law, but I'm not

7 positive.

8 MR. LEVINE: Only answer what you know.

9 You don't have to guess in a deposition.

10 A. Okay. I can't remember.

11 Q. Did you ever take a business law class?

12 A. I can't remember.

13 Q. Do you have any knowledge of business law?

14 A. No.

15 Q. During any of the time that you were in

16 college did you ever go to the university health

17 services?

18 A. No.

19 Q. I'd like to briefly go through your

20 employment history. Are you currently employed?

21 A. Yes, I am.

22 Q. Where do you work?

23 A. At The Boston Globe.

24 Q. What is your job at The Globe?

00019

1 A. Circulation auditor.

2 Q. What do you do as a circulation auditor?

3 A. Report sales, file what's called a

4 publisher's statement, which is the newspaper's claim

5 of what their circulation is.

6 Q. Who do you file this publisher's statement

7 with?

8 A. With the Audit Bureau of Circulation.

9 Q. What is the Audit Bureau of Circulation?

10 A. Well, they -- they're -- a lot of -- They

11 audit newspaper -- a newspaper's circulation claim, and

12 advertisers use our numbers as leverage when they're

13 renewing contracts, buying advertising dollars, things

14 like that.

15 Q. So is the Audit Bureau of Circulation a

16 national organization?

17 A. Yes.

18 Q. How do you get the information that you

19 provide to them?

20 A. Just from circulation systems that we have at

21 The Globe. And we have news dealers that report what

22 their sales are, school sales.

23 Q. How do you go about compiling all the

24 information that you get? Does each news sales place

00020

1 or news dealer tell you how many they sell and then you

2 basically just add them all up; is that how it works?

3 A. Yes. They report it to a salesperson who

4 then inputs it usually into an Excel type format. Then

5 I run reports that bring all this information up.

6 Q. Do you have to do any independent research of

7 your own to figure out the circulation of the

8 newspaper?

9 A. No.

10 Q. How long have you worked there?

11 A. 17 years.

12 Q. Have you always had the same job?

13 A. No. I started as a home delivery clerk, so

14 I've been in the circulation department the whole time.

15 Q. What does a home delivery clerk do?

16 A. Answers home delivery calls, whether people

17 want to start their newspaper, stop their newspaper,

18 complain that they didn't receive it.

19 Q. And at what point during the 17 years did you

20 switch from home delivery clerk to circulation auditor?

21 A. It's probably going to be three years in

22 June.

23 Q. For the first 14 years that you worked at The

24 Globe you were a home delivery clerk?

00021

1 A. I was a clerk, then I became a supervisor.

2 Q. Prior to working at The Globe did you have a  
3 different job?

4 A. Yes. I worked at Blue Cross & Blue Shield  
5 for a short time.

6 Q. When was that employment?

7 A. I think -- I'd guess September of '85 to  
8 maybe the summer of '86.

9 Q. What was your job at Blue Cross & Blue  
10 Shield?

11 A. Customer service representative.

12 Q. What did that entail?

13 A. Taking customer calls regarding their  
14 insurance, whether they're looking for claim forms or  
15 had questions about claims that we processed.

16 Q. And when someone called, how did you get the  
17 information to provide them?

18 A. A computer database.

19 Q. Did you learn anything during your time at  
20 Blue Cross & Blue Shield about medical treatments?

21 A. No, not specifically.

22 Q. How were you able to answer the questions of  
23 customers if you didn't know anything about medical  
24 treatment?

00038

1 Dr. Goulart, did you see any other doctors?

2 A. Dr. Tanabe is a neurologist I've seen.

3 Q. Have you ever had a conversation with

4 Dr. Tanabe about DES exposure?

5 A. No.

6 Q. Have you ever seen any other doctor?

7 A. Recently Dr. Pinto.

8 Q. What sort of doctor is Dr. Pinto?

9 A. Internal medicine, I believe. A primary care  
10 doctor. Dr. Goulart referred me to her.

11 Q. Is Dr. Pinto spelled P-I-N-T-O?

12 A. (Witness nodded.)

13 Q. Where does Dr. Pinto practice?

14 A. Norwood Hospital, the Guild Building.

15 Q. Do you know what her first name is?

16 A. Ann.

17 Q. Did you ever have any conversation with

18 Dr. Pinto about possible DES exposure?

19 A. No, I did not.

20 Q. Did you ever with any of the doctors have to  
21 fill out a form that indicated that you may have been  
22 exposed to DES?

23 A. Not that I know of.

24 Q. After learning back in the early '80s that

00039

1 you may have been exposed to DES, did you do anything

2 to understand anything about the medication?

3 A. No.

4 Q. Did your mother tell you why she took the

5 medication?

6 A. Yes. Because of early dilation, I believe

7 was the term she used.

8 Q. Did your mother indicate whether she had

9 taken the drug with any of your siblings?

10 A. Yes.

11 Q. What did she tell you about that?

12 A. She had taken it with Paul, myself and my

13 sister.

14 Q. Did she take it with your two younger

15 siblings?

16 A. No.

17 Q. Did she say why she took the drug with her

18 first three children but not the last two?

19 A. No.

20 Q. Did you ask her why?

21 A. No.

22 Q. Do you know whether Paul or your sister knew

23 that they had been exposed to DES?

24 A. I can't say.



00092

1 MR. LEVINE: Or both.

2 Q. Or both.

3 A. Now I'm really confused.

4 MR. LEVINE: If you can answer that  
5 question.

6 Q. Did you know --

7 MR. LEVINE: It's a little confusing.

8 Q. Yes, it was confusing. Let me start over.

9 Did you know that it was possible for a person to sue a  
10 drug manufacturer?

11 MR. LEVINE: For anything?

12 Q. For anything.

13 A. Yes.

14 Q. How did you know that?

15 A. Just from -- Just knowledge. Nothing  
16 specific, but -- People file lawsuits.

17 Q. How long do you think that you knew that it  
18 was possible to sue a drug manufacturer?

19 A. I don't know.

20 Q. What sorts of things did you know that a  
21 person might be able to sue a drug manufacturer about?

22 A. I don't know. I can't think of anything  
23 specific.

24 Q. Well, you said that you knew that it was

00093

1 possible to sue a drug manufacturer. Is that because  
2 you had heard about someone suing a drug manufacturer?

3 A. I mean -- No. I guess what I -- People sue  
4 car manufacturers, so I'm just looking at it like a  
5 manufacturer, not specifically a drug manufacturer, I  
6 guess, that people sue product manufacturers.

7 Q. And can you recall any case that you know of  
8 of a person suing a manufacturer of any product?

9 A. I think Ford had a problem with -- I don't  
10 know if their vehicles went on fire or something.

11 Q. Do you know when that lawsuit was?

12 A. No.

13 Q. Do you know approximately when you might have  
14 heard about that lawsuit?

15 A. No.

16 Q. Have you ever heard about asbestos  
17 litigation, people suing manufacturers of asbestos?

18 A. No, not suing. I've heard of asbestos.

19 Q. Have you ever heard about Agent Orange  
20 litigation, which is people suing based on something  
21 that was used during the Vietnam War?

22 A. I've heard of it, yes.

23 Q. What have you heard about that?

24 A. That Agent Orange caused problems.

00094

1 MR. LEVINE: He's asking about lawsuits.

2 A. No.

3 Q. Did you know that anyone had ever sued --

4 A. No.

5 Q. Did you know that anyone had ever sued breast  
6 implant manufacturers?

7 A. Yes, I had heard of that.

8 Q. What did you hear about that?

9 A. Something about silicone breast implants. I  
10 don't -- And nothing...

11 Q. But you had heard that there were people  
12 suing over some problems related to silicone breast  
13 implants?

14 A. I believe so, yes.

15 Q. Do you have any idea approximately when you  
16 heard about the lawsuits against silicone breast  
17 implants?

18 A. I don't.

19 Q. Do you think it was more than ten years ago?

20 A. No.

21 Q. Do you think the Ford lawsuit was more than  
22 ten years ago?

23 A. No.

24 Q. Do you think you had ever heard about any

00095

1 lawsuit against a manufacturer more than ten years ago?

2 A. I can't recall.

3 Q. Did you ever hear about a lawsuit where a

4 woman spilled hot coffee on herself from McDonald's and

5 sued McDonald's?

6 A. Yes.

7 Q. How did you hear about that lawsuit?

8 A. It was all over the news, I guess.

9 Q. Do you think that you heard about it at the

10 time that the lawsuit was going on?

11 A. Well, when the -- I believe she was awarded a

12 huge sum of money, so I believe then. But I don't

13 know -- I don't recall the date.

14 Q. Prior to contacting your attorney, did you

15 ever know that DES had been taken off the market for

16 use during pregnancy?

17 A. No, I did not.

18 Q. Had you ever heard of another DES lawsuit?

19 A. No, I have not.

20 Q. Did any doctor ever mention to you the

21 possibility of bringing a DES lawsuit?

22 A. No.

23 Q. Did you ever know anybody else who sued a

24 pharmaceutical manufacturer over DES?

00097

1 A. No.

2 Q. Do you know if any of them ever brought a  
3 lawsuit?

4 A. Not that I know of.

5 Q. After the first time you learned about DES,  
6 that you may have been exposed to DES, until you saw  
7 the ad in the paper for your lawyers, did you see any  
8 other information regarding DES --

9 A. No.

10 Q. -- in the media?

11 A. No.

12 Q. Did you do any research to try and find out  
13 any more information about DES?

14 A. No.

15 Q. Do you have Internet access in your home?

16 A. Yes.

17 Q. Do you have Internet access at work?

18 A. Yes.

19 Q. How long have you had that for?

20 A. At home about two and a half years. At work  
21 I -- five years.

22 Q. Do you know how to do research on the  
23 computer?

24 A. Yes.

00098

1 Q. Have you ever researched anything other than  
2 DES on the computer?

3 A. No.

4 Q. Have you ever searched for anything on a  
5 search engine like Google or something like that?

6 A. Yes.

7 Q. Do you subscribe to any newspapers or  
8 magazines?

9 A. I subscribe to a couple of magazines. I  
10 usually see the newspaper at work.

11 Q. The Globe?

12 A. Mm-hmm.

13 Q. You see at work?

14 A. Mm-hmm.

15 Q. And do you generally read The Globe?

16 A. I -- No. Usually I might scan through it.

17 Q. What magazines do you subscribe to?

18 A. Glamour, Lucky, In Style.

19 Q. Do you ever recall seeing anything in any of  
20 those magazines or any other magazine or in The Globe  
21 or any other newspaper regarding DES?

22 A. I don't.

23 Q. Do you keep any sort of file on DES?

24 A. Only since 2002.